

Bundy writes on 'trial by newspaper'

(Editor's note: The following letter was received from Theodore R Bundy, awaiting trial on a charge of first degree murder in Pitkin County Jail. He is accused in the Jan 12, 1975, slaying of Caryn E Campbell at Snowmass Resort.)

Aspen Times

Dear Editor:

In your March 10, 1977, edition of the Aspen Times an article appeared on page 7-b entitled "Hearing Friday in Bundy murder trial." Because I am the defendant in this upcoming trial I read the article with a good deal more than casual interest, and because such news reports pose a basic challenge to my ability to receive a fair trial by an impartial jury, I feel obliged to make a reply.

The bulk of the article was devoted to a rehash of the events which led to my extradition to

Colorado as well as the major circumstantial elements present in the prosecution's case against me. It was immediately evident to me that the primary source of information for the article was the affidavit filed by the district attorney in support of his Information charging me with the offense.

The problem created by relying on the prosecutor's account of the case as a "fact source" without an attempt to balance such a version with a defense viewpoint is twofold. First, the prosecutor's position is understandably biased, presenting his accusations in their most favorable, if not their most misleading context. Unlike the trial setting, the defendant confronted by such a report is unable to exclude, cross-examine, call witnesses to contest, or otherwise qualify the alleged evidence gathered by the

prosecutor, which has made its way onto the pages of your newspaper.

Second, without the effacing effect of defense testimony, essential in a fair trial, the biased and unbalanced information provided to your reporter has a clear tendency to be read and interpreted as undisputable, proven fact. Many persons, who will be asked to sit on my jury, have been exposed to your article, both directly and indirectly, and as a result I can only imagine these people adopting a prejudicial opinion toward the defendant.

After reading this report of my case, I initially felt a strong temptation to argue in detail against the prosecution's allegations. ("This bit of circumstantial evidence is valueless because of thus and such.") It was, however, a temptation to become drawn into the very practice to which I am opposed: trial by newspaper. It is doubtful that the Framers of the Constitution ever intended the 1st Amendment right of freedom of the press to be a license to publish proposed evidence in a criminal

trial in such a way as to subvert a defendant's 6th Amendment guarantees of fair trial and his 14th Amendment right to due process of law. What was intended, I suppose, was a trade-off preserving the rights of news organizations and defendants alike.

I have requested the court to close pre-trial hearings where evidence material to the case is to be presented because I wish to avoid potential jurors in the case from being exposed to evidence which cannot or will not be forthcoming at the actual trial. My purpose is neither to deny some poor reporter a living nor to advocate secrecy for secrecy's sake. I only wish to avoid seeing prejudice damage a fair trial. Ultimately, there will be no secrecy because the trial itself will not be closed to the media and the public. At trial, all that is legal and admissible can be reported without generating prejudice amongst potential jurors. The public's right to know will not be frustrated. And herein lies the trade-off I referred to earlier. By simply refraining from publishing accusations or information which are material to the consideration of innocence and guilt, like those published in your March 10th article, the Aspen Times and other

news organizations can avoid having a detrimental influence on the criminal trial process. Such restraint does not jeopardize press freedom since the crucial and deciding forum, the trial, will be open to everyone.

There is really no way I can force people in the news business to act in a responsible fashion and not to exploit this case for headlines and profit. Even if some pre-trial hearings are closed, nothing but a sense of fairness will prevent reporters from speculating about what might have transpired. And only this same sense of fairness will prompt a reporter to seek to balance an article with a comment from the defense when a prosecution point of view is to be aired. In the final analysis, solicitations for fairness must be left to the consciences of the media people. In lieu of conscientious instincts arguments asking the media to respect human and constitutional rights become just so many words.

My final reply to your article is this: I am innocent of the charge against me and no amount of biased news reporting will alter this fact.

Sincerely,
Theodore Bundy

Prelim hearing for Bundy set for April 4

Theodore Bundy, accused of first degree murder in the Jan 12, 1975 slaying of Caryn Campbell at Snowmass Resort last Thurs-

Fevaags take first in duplicate bridge

Margaret and Jerry Fevaag won north-south while Pauline Bowles and Ed Herron captured first place east-west when 30 players participated in a Mitchell Movement at the Aspen Bridge Center's March 16 duplicate game.

Pam McPherson and Don Wilson were second north-south, followed by...

West	North	East
8763	Q94	void
A4	82	QJ10973
AJ84	107652	KQ93
J75	A43	K96
	South	
	AKJ1052	

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